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09/630,479  
63,937-104RECEIVED  
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MAR 04 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In Re: Chang, Tzyy-Shuh

Group: 2877

Serial No.: 09/630,479

Examiner: Barth

Filed: 08/02/2000

For: OPTICAL OBSERVATION DEVICE AND METHOD FOR OBSERVING  
ARTICLES AT ELEVATED TEMPERATURES

Customer No.: 26127

Docket No.: 63,937-104

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir/Madam:

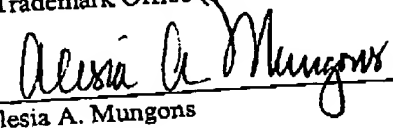
Applicant and its attorney submit this statement in accordance with their duty of disclosure under 37 C.F.R. § 1.56 and §§ 1.97-1.98. This statement is filed in accordance with 37 C.F.R. § 1.97(c), before the mailing of either the Final Office Action or Notice of Allowance.

Pursuant to 37 C.F.R. § 1.98(9)(2)(iv), Applicant's undersigned attorney further submits a copy of the Chinese Office Action that caused some of the items in the attached PTO-1449 to be listed (along with an English translation provided by our foreign associate). The remaining item, Grow et al., was brought to Applicant's attention by the Examiner.

Should it be necessary to charge any fees for consideration of this Statement, please charge such fees to Deposit Account No. 04-2223. A duplicate of this sheet is transmitted herewith to provide for such a case.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this *Supplemental Information Disclosure and recited attachments* are being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (703) 872-9306) on this 4<sup>th</sup> day of March, 2004.

  
Alesia A. Mungons

09/630,479  
63,937-104

A copy of each reference, together with a listing on Form PTO-1449, is submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

Respectfully submitted,

Date: March 4, 2004

By: 

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Attorneys for Applicant

BH01V454110.1  
IDJWR

**THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA**

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Applicant: OG Technologies, Inc.

Patent Agent: Wang Jingbo

Filing No. 00811935.X

Title of Invention: Optical Observation Device and Method for Observing Articles at Elevated Temperatures

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**NOTIFICATION OF FIRST OFFICE ACTION(PCT APPLICATION)**

1. (x) In accordance with the Request for substantive examination, Examiner has made the examination on the above cited patent application based on the provision in paragraph 1, Article 35 of the Chinese Patent Law.
- ( ) The Patent Office itself has decided to make a substantive examination for the above cited patent application based on the provision in paragraph 2, Article 35 of the Chinese Patent Law.

2. (x) The applicant requested to designate the filing date of  
Aug. 31, 1999 in the Patent Office of US as the priority date;  
Aug. 2, 2000 in the Patent Office of US as the priority date;  
\_\_\_\_\_ in the Patent Office of \_\_\_\_\_ as the priority date;

3. ( ) The following amended text(s) is not in conformity with the provisions of Article 33 of the PRC Patent Law. Therefore, it is unacceptable:
- ( ) Chinese translation of Annexes to IPE Report.
  - ( ) Chinese translation of the amendment under Article 19 of PCT.
  - ( ) The amendment under Article 28 or 41 of PCT.
  - ( ) The amendment under Rule 51 of the Implementing Regulations of PRC Patent Law.

**The amendment is not accepted based on the reason in details shown by attached Text.**

4. ( ) Examination is made based on Chinese translation of PCT application as originally filed.

- (x) Examination is made based on the following documentation

Description Page 1-13, as indicated in Chinese translation of PCT appln. as originally filed;

Page \_\_\_\_\_, as indicated in the Chinese translation of the annexes to IPE Report;

Page \_\_\_\_\_, as indicated in the amendment under Art. 28 or 41 of PCT.

Page \_\_\_\_\_, as indicated in the amendment under Rule 51 of Implementing Regulations of PRC Patent Law.

Claims Claim \_\_\_\_\_, as indicated in Chinese translation of PCT appln. as originally filed;

Claim \_\_\_\_\_, as indicated in Chinese translation of the amendment under Art. 19 of PCT.

Claim \_\_\_\_\_, as indicated in the Chinese translation of the annexes to IPE

Report;  
 Claim \_\_\_\_\_, as indicated in the amendment under Art. 28 or 41 of PCT.  
 Claim 1-22, as indicated in the amendment under Rule 51 of Implementing Regulations of PRC Patent Law.  
 Drawings Page 1-5, as indicated in Chinese translation of PCT appln. as originally filed;  
 Page \_\_\_\_\_, as indicated in the Chinese translation of the annexes to IPE Report;  
 Page \_\_\_\_\_, as indicated in the amendment under Art. 28 or 41 of PCT.  
 Page \_\_\_\_\_, as indicated in the amendment under Rule 51 of Implementing Regulations of PRC Patent Law.

5. (x) The following reference materials have been cited in this notification (their serial numbers will be referred to in the following examination procedure):

Serial No.	Number or Title of Reference Material	Publication Date(or Filing Date) of a Conflict patent application)
1	GB1441211A	June 30, 1976
2	US5281826A	Jan. 25, 1994
3	US4641036A	Feb. 3, 1987
4		

6. The conclusion of the examination:

( ) In regard to the description:

( ) The subject matter of the present application is not accepted based on the Article 5 of the PRC Patent Law.

( ) The description is not in conformity with the provision of paragraph 3, Article 26 of the PRC Patent Law.

( ) The description is not in conformity with the provision of Rule 18 of Implementing Regulations of PRC Patent Law.

(x) In regard to the Claims:

( ) Claims \_\_\_\_\_ cannot be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of the PRC Patent Law.

(x) Claims 1-13, 15-20 cannot be allowed owing to lack of inventiveness based on the provision of paragraph 3, Article 22 of the PRC Patent Law.

( ) Claims \_\_\_\_\_ cannot be allowed owing to lack of practical applicability based on the provision of paragraph 4, Article 22 of the PRC Patent Law.

( ) Claims \_\_\_\_\_ cannot be allowed as beyond the scope of the patent protection based on Article 25 of the PRC Patent Law.

(x) Claims 14, 21, 22 cannot be allowed based on the provisions of paragraph 4, Article 26 of the PRC Patent Law.

( ) Claims \_\_\_\_\_ cannot be allowed based on the provisions of paragraph 1, Article 31 of the PRC Patent Law.

( ) Claims \_\_\_\_\_ cannot be allowed based on the provisions of paragraph 1, Rule 13 of the

Implementing Regulations of the PRC Patent Law.

( ) Claims \_\_\_\_ cannot be allowed based on the provisions of Rule 18 of the Implementing Regulations of the PRC Patent Law.

( ) Claims \_\_\_\_ cannot be allowed based on the provisions of Rule 20 to 23 of the Implementing Regulations of the PRC Patent Law.

The explanation of the above conclusion is given in the attached Text in details.

7. According to the above conclusion, it is considered that

( ) the applicant should amend the application documents based on the request in the attached Text.

( ) the applicant should state the reasons on which the application can be accepted and amend the part that is indicated not to be in conformity with the requirement, otherwise the application will be rejected.

(x) no subject matter in the application is accepted, said application will be rejected if the applicant does not make a statement or fail to make a statement.

( )

8. The applicant is drawn attention to the following:

(1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within four months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.

(2) The applicant shall make amendments to what is not in conformity with the provisions in the text of this notification. The amended text shall be furnished in duplicate. The formality of the document should be in conformity with the relative provisions of the Guideline for Examination.

(3) Any response and/or amended specification must be mailed or sent by hand to the Receiving Department of the PRC Patent Office. Any documents that are not sent to the Receiving Department or are sent to the Examiner personally do not have legal force.

(4) The applicant and/or his attorney could not go to the PRC Patent Office to meet the examiner if no appointment is made.

9. The Text of the notification embraces 3 page(s), along with the enclosures herein:

(x) copy of Cited References are enclosed, in total 3 copies 14 pages.

( )



# 中华人民共和国国家知识产权局

27 SEP 2004

邮政编码:

香港九龙尖沙咀东部科学馆道一号康宏广场南座18楼1805-6室  
永新专利商标代理有限公司

王敬波

申请号: 00811935.X

发文日期:



申请人:

OG 技术公司

发明名称:

用于观察高温物体的光学观察装置和方法

## 第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

美国 专利局的申请日 1999 年 8 月 31 日 为优先权日,

美国 专利局的申请日 2000 年 8 月 2 日 为优先权日,

专利局的申请日 为优先权日,

3. ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。  
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定:

☐ 国际初步审查报告附件的中文译文。

☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。

☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。

☐

4. ☐ 审查是针对原始提交的国际申请的中文译文进行的。

☒ 审查是针对下述申请文件进行的:

说明书 第 1-13 页, 按照原始提交的国际申请文件的中文译文;

第 页, 按照国际初步审查报告附件的中文译文;

第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;

第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

权利要求 第 项, 按照原始提交的国际申请文件的中文译文;

第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。

第 项, 按照国际初步审查报告附件的中文译文;

第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;

第 1-22 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

附图

第 1-5 页, 按照原始提交的国际申请文件的中文译文;

第 页, 按照国际初步审查报告附件的中文译文;

第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;

第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

21302  
2002.1



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)



# 中华人民共和国国家知识产权局

5. ☐ 本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1.	GB1441211A	1976.6.30
2	US5281826A	1994.1.25
3	US4641036A	1987.2.3
4		

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书不符合专利法第 33 条的规定。
- ☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求\_\_\_\_不具备专利法第 22 条第 2 款规定的新颖性。
- ☒ 权利要求 1-13, 15-20 不具备专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求\_\_\_\_不具备专利法第 22 条第 4 款规定的实用性。
- ☒ 权利要求 14, 21, 22 不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求\_\_\_\_不符合专利法第 31 条第 1 款的规定。
- ☐ 权利要求\_\_\_\_不符合专利法第 33 条的规定。
- ☐ 权利要求\_\_\_\_不符合专利法实施细则第 13 条第 1 款的规定。
- ☐ 权利要求\_\_\_\_不符合专利法实施细则第 2 条第 1 款关于发明的定义的规定。
- ☐ 权利要求\_\_\_\_不符合专利法实施细则第 20 条至第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应依照通知书正文部分提出的要求, 对申请文件进行修改。
- ☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☒ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

8. 申请人应注意下述事项:

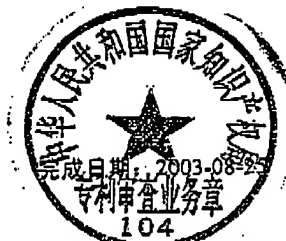
- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 2 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交给中国专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来中国专利局与审查员举行会晤。

9. 本通知书正文部分共有 3 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 3 份 14 页。

审查 9 部 5 室

审查员签章:



21302  
2002.1



回函请寄: 100088 北京市海淀区衙门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)



**First Office Action**

1. Claim 1 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

GB 1,441,211 A (R1) discloses an optical system for producing and detecting an optical mark on a high temperature material. In particular, R1 discloses the following technical features:

- a radiation source projecting a beam of radiation on said high temperature material, the wavelength of said beam of radiation is different from that of said self-emitted, dominant radiation of the high temperature material;
- a filter for receiving both the reflected radiation from the high temperature material and the self-emitted radiation of the high temperature material, and to transmit only said reflected radiation;
- a camera tube for receiving signal transmitted through said filter, forming said optical mark and displaying the same on particular displaying device.

(See R1, pages 2 and 3, and Figs. 1, 2).

R1 does not disclose the technical feature of "said projected electromagnetic radiation having a wavelength which is selected as a function of object temperature and material". However, it is knowledge in the art that the self-emitted radiation of a material being a function of temperature and material, i.e., for high temperature objects with different material and different temperature, the self-emitted radiations therefrom are to be different. Thus, it is obvious to one skilled in the art to obtain the technical solution of claim 1 under the teaching of R1 and knowledge in the art. Therefore, claim 1 is obvious under R1 and knowledge in the art.

2. Claim 2 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 2 further limits claim 1. R1 discloses the further limitation as recited in claim 2. Therefore, claim 2 is obvious under R1 and knowledge in the art.

3. Claim 3 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 3 further limits claim 1. US 5,281,826 A (R2) discloses the further limitation as recited in claim 3. In addition, it is obvious to one skilled in the art to obtain the technical solution of claim 3 under the teaching of R1, R2 and knowledge in the art. Therefore, claim 3 is obvious under R1, R2 and knowledge in the art.

4. Claim 4 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 4 further limits claim 1. R1 discloses the further limitation as recited in claim 4. Therefore, claim 4 is obvious under R1 and knowledge in the art.

5. Claim 5 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 5 further limits claim 1. US 4,641,036 A (R3) discloses the further limitation as recited in claim 5. In addition, it is obvious to one skilled in the art to obtain the technical solution of claim 5 under the teaching of R1, R3 and knowledge in the art. Therefore, claim 5 is obvious under R1, R3 and knowledge in the art.

6. Claims 6 and 7 lack inventiveness and do not satisfy Chinese Patent Law, Article 22, Section 3.

Claims 6 and 7 further limits claim 1. R3 discloses the further limitation as recited in claims 6 and 7. Therefore, claims 6 and 7 are obvious under R1, R3 and knowledge in the art.

7. Claim 8 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 8 further limits claim 1. It is obvious to one skilled in the art to obtain the further limitations as recited in claim 8. Therefore, claim 3 is obvious under R1, R3 and knowledge in the art.

8. Claims 9 and 10 lack inventiveness and do not satisfy Chinese Patent Law, Article 22, Section 3.

Claims 9 and 10 further limits claim 1. R2 discloses the further limitation as recited in claims 9 and 10. Therefore, claims 9 and 10 are obvious under R1, R2 and knowledge in the art.

9. Claims 11 and 12 lack inventiveness and do not satisfy Chinese Patent Law, Article 22, Section 3.

Claims 11 and 12 further limits claim 1. R1 discloses the further limitation as recited in claims 11 and 12. Therefore, claims 11 and 12 are obvious under R1 and knowledge in the art.

10. Claim 13 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 13 further limits claim 1. R2 discloses the further limitation as recited in claim 13. Therefore, claim 13 is obvious under R1, R2 and knowledge in the art.

11. Claim 14 includes "an air flow controller ... to remove air density distortion". However, the description discloses that "another task is to creatively resolve the distortion associated with 'mirage'" and "controlled airflow 43...decreases the temperature...to remove air density distortion". The description does not disclose how or in which way said controlled airflow 43 is realized. That is, the description does not disclose 1) the air flow controller of claim 14, or 2) how or in which way said air flow controller resolving the technical problem. Therefore, claim 14 is not supported by the description and does not satisfy Chinese Patent Law, Article 26, Section 4.

12. Claims 15 and 16 lack inventiveness and do not satisfy Chinese Patent Law, Article 22, Section 3.

Claims 15 and 16 further limits claim 1. R2 discloses the further limitation as recited in claims 15 and 16. Therefore, claims 15 and 16 are obvious under R1, R2 and knowledge in the art.

13. Claims 17 and 18 lack inventiveness and do not satisfy Chinese Patent Law, Article 22, Section 3.

Claims 17 and 18 further limits claim 1. It is obvious to one skilled in the art to obtain the further limitations as recited in claims 17 and 18. Therefore, claims 17 and 18 are obvious under R1 and knowledge in the art.

14. Claim 19 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

R1 discloses an optical system for producing and detecting an optical mark on a high temperature material. In particular, R1 discloses the following technical features:

- a radiation source projecting a beam of radiation on said high temperature material, the wavelength of said beam of radiation is different from that of said self-emitted, dominant radiation of the high temperature material;
- a filter for receiving both the reflected radiation from the high temperature material and the self-emitted radiation of the high temperature material, and to transmit only said reflected radiation;
- a camera tube for receiving signal transmitted through said filter, forming said optical mark and displaying the same on particular displaying device.

(See R1, pages 2 and 3, and Figs. 1, 2).

R1 does not disclose the technical feature of "said projected electromagnetic radiation having a wavelength which is selected as a function of object temperature and material". However, it is knowledge in the art that the self-emitted radiation of a material being a function of temperature and material, i.e., for high temperature objects with different material and different temperature, the self-emitted radiations therefrom are to be different. Thus, it is obvious to one skilled in the art to obtain the technical solution of claim 19 under the teaching of R1 and knowledge in the art. Therefore, claim 19 is obvious under R1 and knowledge in the art.

15. Claim 20 lacks inventiveness and does not satisfy Chinese Patent Law, Article 22, Section 3.

Claim 20 further limits claim 1. R1 discloses the further limitation as recited in claim 20. Therefore, claim 20 is obvious under R1 and knowledge in the art.

16. Claim 21 includes "an air flow controller ... to remove air density distortion". However, the description discloses that "another task is to creatively resolve the distortion associated with 'mirage'" and "controlled airflow 43...decreases the temperature...to remove air density distortion". The description does not disclose how or in which way said controlled airflow 43 is realized. That is, the description does not disclose 1) the air flow controller of claim 14, or 2) how or in which way said air flow controller resolving the technical problem. Therefore, claim 21 is not supported by the description and does not satisfy Chinese Patent Law, Article 26, Section 4.

For the same reasons, claim 22 is not supported by the description and does not satisfy Chinese Patent Law, Article 26, Section 4.

For the above reasons, the applicant is required to submit an amendment within four months after the date that applicant receives said office action. Otherwise, this application will be considered abandoned.

申请号: 00811935.X 用于观察高温物体的光学观察装置和方法

1

## 第一次审查意见通知书正文

本申请涉及用于光学地观察高温物体的方法和装置, 经审查, 具体意见如下:

### (一)

1、权利要求1不符合专利法第二十二条第三款的有关规定, 理由如下:

对比文件1(GB1441211A)公开了一种用于高温物体检测的光学系统, 可产生所述物体的表面图像(参见说明书第2、3页, 附图1、2), 具有如下技术特征: 系统的光源部分投射一电磁辐射到物体表面, 所述电磁辐射的波长不同于高温物体发出的占优势的自发辐射; 滤波片, 接受被高温物体反射的所述电磁辐射和高温物体的自发辐射, 只让被反射的部分所述电磁辐射通过; 成像部分, 接受滤波片透过的信号, 形成图像显示在特定的显示设备上。权利要求1与对比文件1的区别在于: 所述投射的电磁辐射具有的波长是作为物体温度和材料的函数选择的, 这样的波长选择可以保证投射的波长与高温物体的波长不同, 以让滤波片方便滤除不必要的光信号。然而, 由于物体的自发辐射是温度和材料的函数, 对于不同的材料、温度的高温物体而言, 其自发辐射肯定也有所不同, 根据对比文件1提出的发明思路“所述电磁辐射的波长要不同于高温物体发出的占优势的自发辐射”, 在观察不同的高温物体时, 根据所述物体的温度、材料选择投射不同的电磁辐射是一项本领域技术人员的公知常识。所以, 权利要求1不具有专利法第二十二条第三款规定的创造性。

2、权利要求2不符合专利法第二十二条第三款的有关规定, 理由如下:

对比文件1的光学系统也包括一视频记录器, 所以在权利要求1不具有创造性的基础上, 权利要求2也不具有创造性。

3、权利要求3不符合专利法第二十二条第三款的有关规定, 理由如下:

对比文件2(US5281826A)公开一中物体探测荧光成像系统, 其检测器采用的即是一CCD, 所以在权利要求1不具有创造性的基础上, 权利要求3也不具有创造性。

4、权利要求4不符合专利法第二十二条第三款的有关规定, 理由如下:

对比文件1中所述光学系统采用的就是一氙灯, 所以在权利要求1不具有创造性的基础上, 权利要求4也不具有创造性。

5、权利要求5不符合专利法第二十二条第三款的有关规定, 理由如下:

对比文件3(US4641036A)公开了一种高温物体表面探测光学系统, 其中的光源即采用的是一激光器, 其所起作用与所述附加技术特征在权利要求5中所起作用完全一样, 所以在权利要求1不具有创造性的基础上, 权利要求5也不具有创造性。

6、权利要求6、7不符合专利法第二十二条第三款的有关规定, 理由如下:

对比文件3(US4641036A)公开了的光学系统中, 其激光器通过一透镜组投射出一区

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域照明,其所起作用与所述附加技术特征在权利要求 6、7 中所起作用完全一样,所以在权利要求 5 不具有创造性的基础上,权利要求 6、7 也不具有创造性。

7、权利要求 8 不符合专利法第二十二条第三款的有关规定,理由如下:

权利要求 8 的附加技术特征是本领域技术人员的一项常用技术手段,所以在权利要求 5 不具有创造性的基础上,权利要求 8 也不具有创造性。

8、权利要求 9、10 不符合专利法第二十二条第三款的有关规定,理由如下:

其附加技术特征已经被对比文件 2 所公开,所以各自应用的权利要求不具有创造性的基础上,权利要求 9、10 也不具有创造性。

9、权利要求 11、12 不符合专利法第二十二条第三款的有关规定,理由如下:

其附加技术特征已经被对比文件 1 所公开,所以在各自引用的权利要求不具有创造性的基础上,权利要求 11、12 也不具有创造性。

10、权利要求 13 不符合专利法第二十二条第三款的有关规定,理由如下:

其附加技术特征已经被对比文件 2 所公开,所以在权利要求 1 不具有创造性的基础上,权利要求 13 也不具有创造性。

11、权利要求 14 不符合专利法第二十六条第四款的有关规定,理由如下:

其附加技术特征提出所述光学系统包含一气流控制器,可去除空气密度的失真。但说明书的实施部分,只是提出了“幻象”失真这一问题,还有“受控箭头 43 降低了……失真”,但受控箭头 43 所示的是什么样的空气流,这样的空气流是通过什么样的设备来实现的都没有提出,即说明书中并没有提出权利要求中的所述“气流控制器”,也没有说明怎样利用“气流控制器”来解决这一问题,所以权利要求 14 得不到说明书的支持。

12、权利要求 15、16 不符合专利法第二十二条第三款的有关规定,理由如下:

其附加技术特征都被对比文件 2 所公开,所以在权利要求 1 不具有创造性的基础上,权利要求 15、16 也不具有创造性。

13、权利要求 17、18 不符合专利法第二十二条第三款的有关规定,理由如下:

其附加技术特征都是本领域技术人员的常用技术手段,所以在权利要求 1 不具有创造性的基础上,权利要求 17、18 也不具有创造性。

14、权利要求 19 不符合专利法第二十二条第三款的有关规定,理由如下:

对比文件 1 (GB1441211A) 公开了一种用于高温物体检测的光学系统,可产生所述物体的表面图像(参见说明书第 2、3 页,附图 1、2),具有如下技术特征:系统的光源部分投射一电磁辐射到物体表面,所述电磁辐射的波长不同于高温物体发出的占优势的自发辐射;滤波片,接受被高温物体反射的所述电磁辐射和高温物体的自发辐射,只让被反射的部分所述电磁辐射通过;成像部分,接受滤波片透过的信号,形成图像显示在特定的显示设备上。权利要求 19 与对比文件 1 的区别在于:所述投射的电磁辐射具有的波长是作为物体温度和材料的函数选择的,这样的波长选择可以保证投射的波长与高温物体的波长不

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同, 以让滤波片方便滤除不必要的光信号。然而, 由于物体的自发辐射是温度和材料的函数, 对于不同的材料、温度的高温物体而言, 其自发辐射肯定也有所不同, 根据对比文件 1 提出的发明思路“所述电磁辐射的波长要不同于高温物体发出的占优势的自发辐射”, 在观察不同的高温物体时, 根据所述物体的温度、材料选择投射不同的电磁辐射是一项本领域技术人员的公知常识。所以, 权利要求 19 不具有专利法第二十二条第三款规定的创造性。

15、权利要求 20 不符合专利法第二十二条第三款的有关规定, 理由如下:

其附加技术特征已经被对比文件 1 所公开, 所以在权利要求 1 不具有创造性的基础上, 权利要求 20 也不具有创造性。

16、权利要求 21 不符合专利法第二十六条第四款的有关规定, 理由如下:

权利要求 21 提出所述光学系统包含一气流控制器, 可去除空气密度的失真。但说明书的实施例部分, 只是提出了“幻象”失真这一问题, 还有“受控箭头 43 降低了……失真”, 但受控箭头 43 所示的是什么样的空气流, 这样的空气流是通过什么样的设备来实现的都没有提出, 即说明书中并没有提出权利要求中的所述“气流控制器”, 也没有说明怎样利用“气流控制器”来解决这一问题, 所以权利要求 21 得不到说明书的支持。

17、权利要求 22 不符合专利法第二十六条第四款的有关规定, 理由如下:

基于与上述审查意见 16 相同的理由, 权利要求 22 也得不到说明书的支持。

综上所述, 本申请按照目前的文本不可能被授予专利权, 申请人应在通知书指定的期限内进行修改或陈述意见, 克服上述缺陷, 否则本申请将依照专利法第三十八条予以驳回。

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**I**

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Art Unit	2877
Examiner Name	BARTH
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**U.S. PATENT DOCUMENTS**

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